



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/362,192 07/28/99 YAMAZAKI S 0756-2011

022204
NIXON PEABODY, LLP
8180 GREENSBORO DRIVE
SUITE 800
MCLEAN VA 22102

MMC2/0921

EXAMINER

HARDY, D

ART UNIT

PAPER NUMBER

2815

DATE MAILED:

09/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.
09/362,192

Applicant(s)
Yamazaki et al.

Examiner
David B. Hardy

Group Art Unit
2815



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-44 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-44 are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2815

Serial Number: 09/362192 Attorney's Docket #: 0756-2011

Filing Date: 7/28/99; claimed foreign priority to 8/5/98

Applicant: Yeo et al.

Examiner: David Hardy

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-28, drawn to a semiconductor device, classified in Class 257, subclass 347+.

II. Claims 30-44, drawn to a method for making a semiconductor device, classified in Class 438, subclass 1+.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (M.P.E.P. § 806.05(f)). In the instant case, unpatentability of the group I invention would not necessarily imply unpatentability of the group II invention, since the device of the group I invention could be made by processes materially different than that of the group II invention. For example, in claims 29, 33, 37 and 41, crystallize the initial semiconductor film using a nickel implantation process.

Because these inventions are distinct for the reasons given above and, as shown by the above different classifications, the fields of search are not co-extensive and separate examination would be required, restriction for examination purposes as indicated is proper.

Art Unit: 2815

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.


Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Art Unit 2815 via the PTO Fax center located in Crystal Plaza 4-4C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Art Unit 2815 Fax Center number is (703) 308-7722 or -7724. The Art Unit 2815 Fax Center is to be used only for papers related to Group 2800 applications.

Any inquiry concerning this communication or any earlier communication from the examiner should be directed to **Examiner David Hardy** whose telephone number is **(703) 308-4092** and may additionally be contacted by e-mail at **david.hardy@uspto.gov**.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Group 2800 receptionist** whose telephone number is **(703) 308-0956**.

DBH

19 September 2000


DAVID HARDY
PRIMARY EXAMINER